

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-v-

AMERINDO INVESTMENT ADVISORS
INC., *et al.*,

Defendants.

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ELECTRONICALLY FILED
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DATE FILED: 3-4-14

No. 05 Civ. 5231 (RJS)
ORDER TO SHOW CAUSE


RICHARD J. SULLIVAN, District Judge:

On June 1, 2005, Plaintiff filed its complaint. (Doc. No. 1.) Plaintiff filed an amended complaint on June 1, 2005 (Doc. No. 44), and filed a second amended complaint (the “SAC”) on May 25, 2012 (Doc. No. 229). On July 3, 2012 and July 24, 2012, Plaintiff served the SAC on Defendants Vilar and Tanaka, respectively, who were officers of Defendants Amerindo Investment Advisors Inc., Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A. (collectively, the “Entity Defendants”). (Doc. Nos. 233, 255; Decl. of Neal Jacobson, dated Feb. 28, 2014 (“Jacobson Decl.”) ¶ 11; Jacobson Decl. Ex. G.) Although Amerindo Investment Advisors Inc. had counsel at one point (Doc. No. 143), none of the Entity Defendants is currently represented. *Cf. Sanchez v. Walentin*, No. 10 Civ. 7815 (VB), 2012 WL 336159, at *1 (S.D.N.Y. Jan. 31, 2012) (“[I]t is established that a corporation, which is an artificial entity that can only act through agents, cannot proceed pro se.” (quoting *Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22 (2d Cir.1983))).

On September 11, 2013, the Clerk of Court entered a Certificate of Default, noting that the Entity Defendants had not answered or otherwise moved with respect to the SAC and are currently in default. The Court is now in receipt of a submission from Plaintiff requesting that the Court enter a default judgment against the Entity Defendants. Accordingly, IT IS HEREBY ORDERED that the Entity Defendants, through counsel, shall respond in writing to Plaintiff's submission no later than March 21, 2014. IT IS FURTHER ORDERED that Plaintiff and the Entity Defendants, through counsel, shall appear for a hearing on Plaintiff's request for a default judgment on April 2, 2014, at 10:00 a.m. in Courtroom 905 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York. IT IS FURTHER ORDERED THAT, no later than March 7, 2014, Plaintiffs shall serve the Entity Defendants with a copy of this Order and the supporting papers, file a certificate of service on ECF indicating that this service was effectuated, and docket the supporting papers on ECF. The Entity Defendants shall thereafter obtain counsel, who shall file a notice of appearance through ECF.

SO ORDERED.

Dated: February 28, 2014
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE